



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

30 JUL 2003

Mr. Jeffrey R. Vonk, Director
Iowa Department of Natural Resources
Henry A. Wallace Building
502 East 9th Street
Des Moines, Iowa 50319

Dear Mr. Vonk:

Re: Approval of Iowa TMDLs

This letter is in response to the submission of Iowa's *Mud Creek Total Maximum Daily Load (TMDL) for Organic Enrichment* dated June 16, 2002, which is identified on the 1998 Iowa Clean Water Act (CWA) §303(d) list.

The Environmental Protection Agency (EPA) has completed its review of the TMDL with supporting documentation and information. This is EPA's approval letter of the submitted TMDL. Enclosed with this letter are Region 7 TMDL Review Forms which summarize the rationale for the EPA's approval of the TMDL. EPA believes the separate elements of the TMDL described in the enclosed forms adequately address the pollutants of concern, taking into consideration seasonal variation and a margin of safety.

EPA is currently in consultation under Section 7 of the Endangered Species Act with the U.S. Fish and Wildlife Service (USFWS) regarding the TMDLs. While EPA is approving this TMDL at the present time, EPA may decide changes to the TMDL are warranted based upon results of the consultation when it is completed.

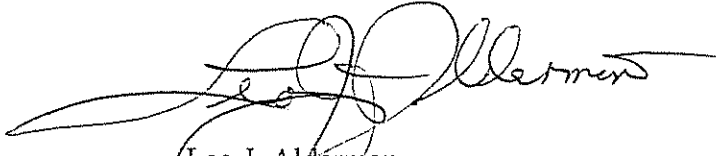
While implementation plans described by the Iowa Department of Natural Resources (IDNR) were part of the TMDL submittal, they are not considered part of EPA's approval or disapproval. Neither are the implementation plans part of EPA's consultation with USFWS regarding the TMDL submission. The USFWS has asked, however, that we pass along to you some of their comments pertaining to implementation. These comments do not represent mandatory obligations for the State and do not affect the approval of these TMDLs. USFWS has requested that the State work with them on implementation activities. Our contact for TMDLs has been Mr. Mike Coffey, USFWS Rock Island, IL, at 309-793-5800, ext. 515.

The location of the Mud Creek TMDL is within the range of federally listed endangered or threatened species. The USFWS believes that incorporating the enclosed conservation measures provides protection for the Indiana bat (*Myotis sodalis*), bald eagle (*Haliaeetus*

leucocephalus), which depends in part on the same habitat, and the candidate species eastern massasauga (*Sistrurus catenatus catenatus*). Hopefully, IDNR will speak directly to USFWS regarding these comments.

The EPA appreciates the thoughtful effort that Iowa has put into the Mud Creek TMDL. The EPA will continue to cooperate with and assist, as appropriate, in future efforts by Iowa to develop remaining TMDLs.

Sincerely,



Leo J. Alderman
Director
Water, Wetlands, and Pesticides Division

Enclosures

cc: Marian Maas, IDNR, Des Moines, IA
Richard Nelson, USFWS, Rock Island, IL
Wallace Taylor, Cedar Rapids, IA
Jerry Anderson, Drake University School of Law, Des Moines, IA
Lawrence McLellan, Sullivan & Ward PC, Des Moines, IA